

**PUBLIC DEFENDER
MICHAEL P. JUDGE, PUBLIC DEFENDER
OFFICIAL BUDGET REQUEST**

DEPARTMENTAL SUMMARY

FINANCING USE CLASSIFICATION	ACTUAL FISCAL YEAR 2001-02	ESTIMATED FISCAL YEAR 2002-03	BUDGET FISCAL YEAR 2002-03	REQUESTED FISCAL YEAR 2003-04	CHANGE FROM BUDGET
SALARIES AND EMPLOYEE BENEFITS	\$ 106,954,116	\$ 113,725,000	\$ 113,184,000	\$ 120,648,000	7,464,000
SERVICES AND SUPPLIES	10,800,925	11,143,000	11,372,000	13,347,000	1,975,000
OTHER CHARGES	932,877	957,000	1,142,000	1,142,000	0
FIXED ASSET- EQUIPMENTS	24,405	0	22,000		-22,000
OTHER FINANCING USES	0	0	0		0
GROSS TOTAL	\$ 118,712,323	\$ 125,825,000	\$ 125,720,000	\$ 135,137,000	9,417,000
LESS INTRAFUND TRANSFERS	557,113	579,000	603,000	591,000	-12,000
NET FINANCING USE	\$ 118,155,210	\$ 125,246,000	\$ 125,117,000	\$ 134,546,000	9,429,000
REVENUES					
INTERGOVERNMENTAL REVENUE- STATE	2,553,139	2,376,000	2,391,000	2,192,000	-199,000
INTERGOVERNMENTAL REVENUE- FEDERAL	618,967	487,000	487,000	487,000	0
CHARGES FOR SERVICES	336,159	351,000	600,000	600,000	0
MISCELLANEOUS REVENUE	664,490	475,000	483,000	249,000	-234,000
TOTAL REVENUES	\$ 4,172,755	\$ 3,689,000	\$ 3,961,000	\$ 3,528,000	-433,000
NET COUNTY COST	\$ 113,982,455	\$ 121,557,000	\$ 121,156,000	\$ 131,018,000	9,862,000
BUDGETED POSITION			1,008.0	1,075.0	67.0

PUBLIC DEFENDER
Michael P. Judge, Public Defender

Mission Statement

The Los Angeles County Public Defender provides constitutionally mandated legal representation to indigent criminal defendants and juveniles in the Superior Court of Los Angeles County as well as in State and Federal Appellate Courts. The Department protects the life and liberty of adults and children in matters having penal consequences. The Department strives to ensure equal treatment within the justice system by safeguarding liberty interests and upholding the rights of individuals.

2003-04 Budget Message

The Official Budget Request for FY 2003-04 contains the unmet needs of the Department.

Strategic Planning

The Official Budget requests items and funding which relate to goals and strategies in the Countywide Strategic Plan. A reference to the specific plan provision is given after the narrative description of each request.

Critical Needs

This request addresses all of our known critical needs.

Changes From 2002-03 Budget

	Gross Appropriation	Revenue/IFT	Net County Cost	Budgeted Positions
<u>Program Changes</u>				

1.	\$	1,178,000	\$	0	\$	1,178,000	12.0
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Augment Investigator staff to reflect increase in workload: This request is for 12.0 additional investigator II items to address a permanent increase to the Department's workload. The workload increase has resulted from the Rampart scandal which changed the standard of practice of competent legal defense work. The allegations of police and prosecutorial misconduct have resulted in an increase of Pitchess motions and subsequent investigations. Case investigation now requires additional investigation hours be expended on the conduct of the arresting officers, not just the crime alleged. There has been a 10.5% increase in investigator hours worked in FY 1999-2000 as compared to the previous year, a further increase of 8.7% in FY 2000-01, and a further increase of 2.1% in FY 2001-02. In FY 2002-03 there is an estimated additional 3.5% increase, bringing the total increase in investigator hours worked to 24.8% over the last four years. As case investigation is required for the Department to provide competent mandated legal representation, investigators working overtime have handled the increased workload. While this has been a short-term solution to inadequate investigator staffing, we cannot continue to require investigators to carry such heavy workloads. *Supports Countywide Strategic Plan Goal 2.*

2.	\$	599,000	\$	0	\$	599,000	4.0
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New Courthouse Impact: The new Lancaster courthouse is scheduled to open during FY 2003-04. The Department is requesting 2.0 DPD III and 2.0 DPD IV's to address the anticipated impact from the new courthouse. The Los Angeles Superior Court has indicated that it will be requesting additional staff for three additional courts; the additional courtrooms will handle felony cases currently being handled by the preliminary hearing court and to shift workloads from two existing felony trial courts with caseloads more than twice the countywide average. These additional courts would each have daily calendars and handle preliminary hearings, misdemeanor and felony trials. The Department's current staffing will be unable to handle the impact from these new courtrooms without the requested additional staff. *Supports Countywide Strategic Plan Goal 4.*

3.	\$	1,147,000	\$	0	\$	1,147,000	4.0
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File Storage: We are requesting funding to secure a warehouse and staff to address the file storage crisis facing the Department. California State Bar rules require us to maintain case files during the life of a client; client files cannot be destroyed and must be maintained. The Department has long ago used all its file storage space and has been forced to store files in a places that constitute fire, health and safety issues; boxes containing files are being stored in non-file space, such as hallways and walkways. Additionally, the current file storage issues subject the Department and the County to civil liability resulting from the inability to locate client files to defend malpractice claims.

Without having appropriate file storage areas, the Department is unable to institute and maintain a file storage and retrieval system. Files are continually moved to make place for newer case files and older files placed wherever they will fit. This situation is causing a significant increase in the number of case files that cannot be located when needed by staff, clients or the Appellate Courts. *Supports Countywide Strategic Plan Goal 3.*

4.	\$	297,000	\$	0	\$	297,000	3.0
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Augmentation of Data Systems Staff: An additional 3.0 Data Systems Coordinators are essential to provide needed technical support to the Department's 1016.0 budgeted positions. There are currently 8.0 technical staff, 1.0 manager, and 1.0 secretary in the Data Systems Division. The current Public Defender ratio of technical positions to users is 1:112; the additional 3.0 positions would provide a ratio of 1:84. The District Attorney has a ratio of 1:49 and County Counsel a ratio of 1:22. The Gartner Group recommends a ratio of 1:50. The requested positions are needed to help supply technical support at 40 Public Defender offices throughout the County, support a network of over 1,050 PC's, install new PC's and peripherals, and maintain and improve our existing applications. *Supports Countywide Strategic Plan Goal 3.*

5.	\$	545,000	\$	0	\$	545,000	6.0
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Administrative Staffing: While the attorney staff that Administrative Services support has continued to increase from FY 1995-96, the already overburdened administrative staff has not been provided with any additional budgeted positions. In addition, the complexity of fiscal and personnel administration has continued to grow, including emphasis on such areas as employment discrimination claims, immigration status, criminal record checks, Americans with Disabilities Act issues, claims against the County by former clients, and grant and contract administration. The following positions are requested:

1.0 Executive Assistant: To provide support to The Public Defender, Chief Deputy and Assistant Public Defender in the coordination of departmental litigation activities regarding administrative proceedings, including civil claims and suits, discrimination suits, etc.; assist executive management in grievances, discrimination complaints, sensitive personnel issues and preparation of departmental responses to controversial inquiries or complaints.

1.0 Administrative Assistant II: To provide the required management, oversight and support for Public Defender facilities throughout the County, including telephone, utilities, staffing, furniture, etc.; to assist in contract administration; to perform various studies, such as efficiency studies; to assist in planning and implementing of various policies and procedures, such as changes which will result in increased efficiency and cost savings; and to handle ad-hoc reports to the Board of Supervisors and the CAO.

1.0 Departmental Civil Service Representative: To handle employee administrative cases. These cases, particularly civil service cases, require a considerable amount of time to investigate and process; the department is currently understaffed to allocate the necessary time to these cases. This position would provide the specialized knowledge of employment law, County and Departmental policies and procedures, and expertise in administrative advocacy. An experienced advocate is necessary to properly represent the interests of the Department and to protect against liability.

1.0 Head Departmental Personnel Technician: To provide direct oversight, supervision and training to Personnel Operations staff; to perform various studies, such as classification/re-classification studies; to make appropriate

recommendations to realize increased efficiency and cost savings based on performed studies.

1.0 Departmental Personnel Technician: To assist in the management and monitoring of the Department's increasing workloads in the areas of return-to-work, including industrial and non-industrial injuries/illnesses, and the Federal Family Medical Leave Act (FMLA) processes and procedures; to serve as back-up to the Personnel Operations staff; and to interface with employees, supervisors, third-party administrator staff, and various other County departments on personnel matters.

1.0 Departmental Personnel Assistant: To assist the single Departmental Personnel Technician functioning as the examination and recruitment staff; to assist in the promulgation of departmental civil service examination processes and various departmental examinations which remain open on a continuous basis; to assist in the time consuming manual process used by the department on examination procedures/processes. This position would enable Human Resources to respond more effectively to the ongoing departmental examination needs.

Supports Countywide Strategic Plan Goal 3.

6.	\$	602,000	\$	0	\$	602,000	8.0
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Increased Paralegal Staffing for Capital Cases and Serious Felonies: Lawyers handling capital cases or serious felonies are increasingly requiring the support of paralegal staff to assist with complex legal research, social background investigation, location and review of closed cases and other tasks. These assignments are more economically performed by paralegals than by attorneys. At this time the office does not have enough staff to meet the need for this assistance, thus delaying progress on cases. The Department is requesting 4.0 Paralegals and 4.0 Senior Paralegals. *Supports Countywide Strategic Plan Goal 4.*

7.	\$	656,000	\$	0	\$	656,000	6.0
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Juvenile Program Enhancements to Address Juvenile Mental Health Issues: The Department is requesting 3.0 DPD III's to provide expertise in juvenile mental health and educational resource issues. The Juvenile Division currently has 3.0 attorney's specializing in this area, which is grant funded. The program is very successful due to the critical work these attorneys perform in advocating for mental health and educational resources that our clients are entitled to under state and federal law. These attorneys provide critical contributions to our clients and their families to prevent further delinquent conduct. The additional positions are required to meet the increasing demand for services requested by departmental trial staff. Additionally, 3.0 additional Psychiatric Social Workers are requested to staff the Long Beach and Lancaster Juvenile Division offices which currently have no social workers. *Support Countywide Strategic Plan Goal 1.*

8.	\$	300,000	\$	0	\$	300,000	0.0
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Augment Information Technology Funding: In the department's FY 1999-2000 budget \$271,000 was transferred from information technology funding in S&S appropriation to S&EB to fund 4.0 positions. The 3.0 Data Systems Coordinators and 1.0 secretary position in the Data Systems Division were needed to meet the need for technical support throughout the Department. The transfer negatively affected the Department's ability to purchase new equipment and software for staff. Net county cost is requested to backfill this absorbed need in order for the department to be able to purchase equipment and software and to enable the Department to move forward in an effort to automate and provide needed technical support to staff. *Supports Countywide Strategic Plan Goal 3.*

9.	\$	911,000	\$	0	\$	911,000	15.0
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Increase Clerical Staff Support: The Department is requesting 15.0 additional LOSA II positions. The need for these additional positions has resulted from position cuts during the FY 1995-96 budget which have never been restored, increased workload associated with the Department's file storage crisis and the associated file location problems, an attorney staff which has been increasing without a corresponding increase in support staff, and a need for LOSA staff coverage due to illnesses, vacations or long-term leaves of absences. As the Department is not using long-term services of temporary clerical contract personnel, a number of office locations are significantly understaffed. *Supports Countywide Strategic Plan Goal 3.*

10.	\$	439,000	\$	0	\$	439,000	0.0
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Staffing Realignment: The Department is requesting the upgrade of 20.0 existing DPD II positions to DPD III. According to the class specifications only DPD III's are to handle serious felony cases. There are currently 70 DPD II's working out of class in felony assignments. This trend has and continues to increase over the years as the nature of criminal practice changes to place more emphasis on past offenses and enhanced sentences in a myriad of circumstances. The current 70 DPD II's working out of class in felony assignments has been a steady increase from the 50 DPD II's working out of class in December 1998. *Supports Countywide Strategic Plan Goal 4.*

11.	\$	86,000	\$	0	\$	86,000	1.0
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Training Coordinator: A Training Coordinator is requested to address continuing education needs of the attorney staff and to monitor skill levels and training needs of support staff. This coordination and oversight of training needs would include training in computer skills which would enhance the quality of our work product and facilitate statistics gathering. *Supports Countywide Strategic Plan Goal 2.*

Total		\$6,760,000	\$	0	\$	6,760,000	59.0
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**PUBLIC DEFENDER
MICHAEL P. JUDGE, PUBLIC DEFENDER
BASE BUDGET REQUEST**

DEPARTMENTAL SUMMARY

FINANCING USE CLASSIFICATION	ACTUAL FISCAL YEAR 2001-02	ESTIMATED FISCAL YEAR 2002-03	BUDGET FISCAL YEAR 2002-03	REQUESTED FISCAL YEAR 2003-04	CHANGE FROM BUDGET
SALARIES AND EMPLOYEE BENEFITS	\$ 106,954,116	\$ 113,725,000	\$ 113,184,000	\$ 115,754,000	2,570,000
SERVICES AND SUPPLIES	10,800,925	11,143,000	11,372,000	11,481,000	109,000
OTHER CHARGES	932,877	957,000	1,142,000	1,142,000	0
FIXED ASSET- EQUIPMENTS	24,405		22,000		-22,000
OTHER FINANCING USES					0
GROSS TOTAL	\$ 118,712,323	\$ 125,825,000	\$ 125,720,000	\$ 128,377,000	2,657,000
LESS: INTRAFUND TRANSFERS	557,113	579,000	603,000	591,000	-12,000
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REVENUES					
INTERGOVERNMENTAL REVENUE- STATE	2,553,139	2,376,000	2,391,000	2,192,000	-199,000
INTERGOVERNMENTAL REVENUE- FEDERAL	618,967	487,000	487,000	487,000	0
CHARGES FOR SERVICES	336,159	351,000	600,000	600,000	0
MISCELLANEOUS REVENUE	664,490	475,000	483,000	249,000	-234,000
TOTAL REVENUES	\$ 4,172,755	\$ 3,689,000	\$ 3,961,000	\$ 3,528,000	-433,000
NET COUNTY COST	\$ 113,982,455	\$ 121,557,000	\$ 121,156,000	\$ 124,258,000	3,102,000
BUDGETED POSITION			1,008.0	1,016.0	8.0

PUBLIC DEFENDER
Michael P. Judge, Public Defender

Mission Statement

The Los Angeles County Public Defender provides constitutionally mandated legal representation to indigent criminal defendants and juveniles in the Superior Court of Los Angeles County as well as in State and Federal Appellate Courts. The Department protects the life and liberty of adults and children in matters having penal consequences. The Department strives to ensure equal treatment within the justice system by safeguarding liberty interests and upholding the rights of individuals.

2003-04 Budget Message

The 2003-04 Proposed Budget reflects a \$3.1 million net County cost increase, including funding to eliminate the unavailability of the Public Defender's Office to represent individuals charged with a criminal offense, and the fifth year of the five-year phased elimination of the operating transfer from the Criminal Justice Facilities Temporary Construction Fund (CJFTCF) to the General Fund. It also reflects the deletion of 1.0 Deputy Public Defender III due to the loss of a State grant for vertical legal representation, and the deletion of 1.0 Deputy Public Defender IV due to the loss of a State grant to handle DNA post-conviction representation.

Strategic Planning

The Department completed its five-year strategic plan in July 2001. The plan included 16 goals linked to the Countywide Strategic Plan and 50 objectives to be implemented over a five year time period. The Department has implemented the seven highest objectives set for accomplishment during FY 2002-03. The Department will re-evaluate its Strategic Plan and make any necessary revisions to assure compliance with the Revised County Strategic Plan adopted by the Board of Supervisors on December 17, 2002.

Critical Needs

The Department continues to have critical unmet needs in order to meet its business needs. The Department requires additional funding for adequate file storage facilities, augmentation of its investigation staff to handle the increased workload caused by police and prosecutorial misconduct, augmentation of data systems staff to provide needed data support, augmentation of information technology funding to enable the department to automate and provide technical resources, augmentation of paralegal staffing to provide required support in capital and serious case defense, additional funding for the new Lancaster Court, augmentation of its administrative staff to address new personnel-related assignments, augmentation of Juvenile Services Division staff to address the increasing criminality and complexity of juvenile delinquency cases, and restoration and augmentation of critically needed support staff and services and supplies funding.

Changes From 2002-03 Budget

	Gross Appropriation	Revenue/IFT	Net County Cost	Budgeted Positions
<u>Program Changes</u>				
1.	\$ (-160,000)	\$ (-160,000)	\$ 0	-1.0
<u>Post Conviction DNA Testing</u> : Reflects the deletion of 1.0 Deputy Public Defender IV position handling post-conviction representation of convicted felons currently in prison who request a review of DNA evidence; resulting from the loss of a State funded grant. <i>Supports Countywide Strategic Plan Goal 4.</i>				
2.	\$ (-39,000)	\$ (-39,000)	\$ 0	-1.0
<u>Vertical Defense of Indigents</u> : Reflects the deletion of 1.0 Deputy Public Defender III position to handle defense of clients in a vertical defense model; resulting from the loss of a State funded grant. <i>Supports Countywide Strategic Plan Goal 4.</i>				

Public Defender (cont'd)

3.	\$	(-12,000)	\$	(-12,000)	\$	0	0.0
<u>Juvenile Mental Health</u> : Reflects the reduction in Schiff-Cardenas State grant for the Juvenile Mental Health Court; resulting from a reduction of grant funds by the State. <i>Supports Countywide Strategic Plan Goal 4.</i>							
4.	\$	(-200,000)	\$	(-200,000)	\$	0	0.0
<u>Registration Fee</u> : Reflects a decrease in revenue received from the Courts as a percentage of the Registration Fee paid by individuals represented by the Public Defender's office, fully offset by a reduction in appropriation. <i>Supports Countywide Strategic Plan Goal 4.</i>							
5.	\$	25,000	\$	25,000	\$	0	0.0
<u>Capital Case Seminar</u> : Reflects an increase in appropriation to offer a seminar on legal defense of individuals charged with a capital criminal offense, fully offset by revenue generated from seminar attendees. <i>Supports Countywide Strategic Plan Goal 2.</i>							
6.	\$	0	\$	0	\$	0	-1.0
<u>Staffing Realignment</u> : Reflects the deletion of 3.0 paralegal positions and the addition of 1.0 Deputy Public Defender III and 1.0 Psychiatric Social Worker I to align Juvenile Accountability Incentive Block Grant positions to Departmental needs based on actual experience. <i>Supports Countywide Strategic Plan Goals 1 and 4.</i>							
7.	\$	0	\$	0	\$	0	1.0
<u>Administrative Services Staff</u> : Reflects the addition of 1.0 Administrative Services Manager II position to align budget to actual historical staffing of Department. <i>Supports Countywide Strategic Plan Goal 4.</i>							
<u>Other Changes</u>							
1.	\$	3,043,000	\$	0	\$	3,043,000	10.0
<u>Unavailability Elimination</u> : Reflects the addition of 8.0 Deputy Public Defender II's and 2.0 Deputy Public Defender III positions to eliminate the department's unavailability to represent individuals being charged in criminal proceedings; elimination of unavailability results in net County savings by reduction of costs to contract attorneys. <i>Supports Countywide Strategic Plan Goal 4.</i>							
2.	\$	0	\$	(-59,000)	\$	59,000	0.0
<u>Eliminate CJFTCF Transfer to General Fund</u> : Reflects the fifth year of the five-year phased elimination of the operating transfer from the CJFTCF to the General Fund, approved by the Board on June 29, 1998.							
Total \$		2,657,000		(-445,000)		3,102,000	8.0